

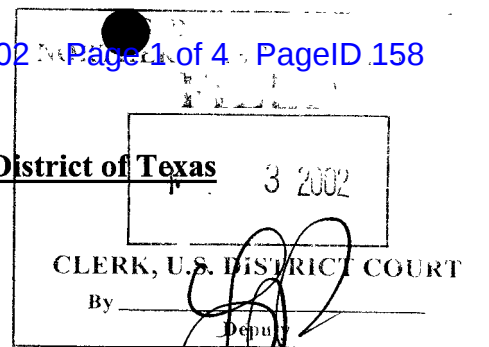
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ORIGINAL

United States District Court for the Northern District of Texas
Dallas Division

(USA and)
Jamal Elhaj-Cehade
Co- plaintiff

Vs.

Educational Commission for Foreign Medical Graduates
(entities and individuals) defendants



3:01-CV-01301-L

Plaintiff's response to the court order dated April 29, 2002
And the plaintiff countermotion for an emergency assessment of the plaintiff's
needs and accommodations

May, 3, 2002

Comes now on May 3, 3002, the plaintiff's response to the court order dated April 29, 2002 and received 5:30 PM May 2, 2002 as follow:

- 1- the defendants filed their opposition to appoint a counsel for the plaintiff on April 26, 2002 and the plaintiff was served on April 29, 2002 at 5:27 PM and the plaintiff filed his urgent response to the opposition On April 30, 2002(in less than 20 hours time since the receipt) and one day after the court order already sent.
- 2- The court order did not address the plaintiff's needs nor did accommodate them as the plaintiff requested and the order was based upon wrongful proceeding that the appointment of a counsel is a discretionary. BUT the plaintiff explained to the court that the appointment of counsel in this case is **UNIQUE because it is a Legal** right and claim(NEEDS) rather than a mere court discretion.(please See the plaintiff's response to the court filed on April 30, 2002 attached as an exhibit , and the plaintiff asserted argument below regarding the defendants obligations toward the plaintiff).
- 3- On April 11, 2002 at 1:03 PM. The defendants attorney admitted **ARROGANTLY** to the long existing EX-Parte Communications between the defendants ECFMG and the courts(that altered the proceedings, the facts and the outcomes in the plaintiff's cases against both UTSW and ECFMG)- the plaintiff having previously raised the issue of ExParte Communication in this court demanded that wherever dispute between the parties exists, the court shall NOT render any order **without** any hearing in the court room in which both parties are present. If such hearing was conducted, the court would have been exposed and see clearly the matter. The plaintiff thereby asserting that the court order is done under exparte communication and the plaintiff is **respectfully** asking the court to reconsider the matter through this new motion or reconsider the old ones, and if judges are not willing to do so, the plaintiff is **kindly** asking the judges to recluse themselves without delay. And new judges assigned and new proceeding begins

52

- as a consolidated matter against both UTSW and ECFMG(including case# 399-CV-680-D all proceedings against UTSW 3:98-CV-1622-P and related cases)
- 4- The plaintiff did not consent to proceed before a Magistrate...

II

The purpose of the litigation

The plaintiff's purpose of the litigation is to enforce the best interest of the plaintiff by making the defendants fulfill their obligations toward the plaintiff and end the defendants violations and abuse(Tax and otherwise) and misuse of the laws(Unjust enrichment, fraud, deceptive practices and trades, price fixing, inappropriate or illegal use of funds, etc...). and the appropriate reliefs for all the damages.

III

Defendants charter and obligations

The defendants ECFMG admitted to the US Government(ECFMG income Tax filing year 1999, form 990- title as ECFMG organization's primary Exempt Status) that ECFMG is Tax exempt because it will perform charitable(or the alternatives) work acting as a **Guardian** serving the **plaintiff's best interests** of the plaintiff and his group by: *lifetime* promotion of **excellence, advancement** and the **benefit** of the cause of the plaintiff (and his group).... By assessing and evaluating the plaintiff's **NEEDS** and assisting in the accommodations **to meet those needs**. ... among other duties and obligations owed to the plaintiff in exchange for their 501-3-C.

IV

Arguments

- 1- (The plaintiff) Being a PRO_SE is a disadvantage or a "minus"; a minus creates **NEEDS**; the defendants admitted to the US Government to have a lifetime duty to assess those NEEDS and properly and adequately address and meet them. The plaintiff is hereby asking the defendants to **URGENTLY** to properly assess and accommodate those NEEDS... and Since the defendants made their language clear as to leave **no room for doubt**(criminal standard of evidence **higher** than required in this civil case) that they are refusing to perform their obligations as required, the plaintiff is hereby asking the court to intervene either by appointing a counsel under FRCP 706-b or any other rule under the laws because the counsel here constitute a NEED which is a **legal claim and right** for the plaintiff.
- 2- the defendants are liable for any **delay** in the assessment and accommodating the plaintiff's NEEDS
- 3- The defendants are liable to the plaintiff for the harm, damages, the expenses, and the undue burden and for the stress that result having the plaintiff or the court assessing and addressing the plaintiff NEEDS(a Job the ECFMG is supposed to do) and the defendants ECFMG are responsible the damages that occurred to the plaintiff in this case and all the previous cases against the ECFMG and UTSW for failing to properly and adequately assessing those NEEDS.

- 4- The defendants are liable for any damages or harm to the plaintiff acting as a pro-se for failure to properly and adequately address and assess the plaintiff's needs .
- 5- The defendants **maliciously** Took and still taking advantages of the plaintiff , and maliciously allowed others(UTSW etc...) to do so. Taking advantages of the plaintiff violates the defendants charter and does not constitute a proper and adequate assessment and accommodation to the plaintiff's NEEDS. Therefore the defendants are liable for any harm done to the plaintiff being taking advantage of acting as a Pro-se.
- 6- The plaintiff asserts that the defendants must stop taking advantage of the plaintiff as a helpless pro-se.

V Citations

Beside FRCP rules 706-b(counsel appointment to plaintiff taxed against the defendants) and other rules of appointment of counsel, the Court MUST see this matter as a **plaintiff's legal claim and right** before any further proceeding in the matter. The plaintiff does have a need and it is the ECFMG duty to assess those needs(Guardianship under their charter...). **This case is similar to that of child who NEEDS Treatment against his guardians will(Parents)**. The court look what is best interest of the child and whether the child is better off with treatment than without it. The SAME does apply in this case the court must see what is best for the plaintiff and ask: Does being a pro-se create a NEED? The answer is yes. ; next:does the appointment of a counsel help in those needs? The answer is yes.; Next; Who has the duty to properly and adequately address those NEEDS ? answer is the defendants ECFMG; Next; Are the ECFMG doing it? The answer is no; then the court says : well, then we do it or we make them do it NOW?.

VI Additional Citations

The defendants ECFMG has been taking advantages of the plaintiff status for so long and they admitted to have created the current legal mess. The plaintiff is entitled to have a full and thorough and complete reliefs for all violations and the violations .of the defendants must be completely prosecuted. To address all the matters after the past and present faulty proceedings created complexity and difficulty in the matter as to reach beyond highly above the requirement criteria to appoint a counsel on behalf of the plaintiff. Moreover, the defendants attorney admitted ARROGANTLY to the long existing EX-Parte Communications between the defendants and the court and the appointment of a counsel is one small relief to compensate for the lengthy bias and injustice of the courts toward the plaintiff.

VII DEMANDS

Wherefore premises considered, the plaintiff Prays that this court reconsiders the matter by appointment of a counsel. In the meantime, the defendants are advised that it is their job to assess the plaintiff's needs and the plaintiff is asking them to assess his needs and address them now. Because the defendants are not only liable for the denial of appointment of a counsel but also for the harm done should the counsel appointed does not meet the plaintiff's needs. The plaintiff is further re-asking this court that any new or further proceeding be done SOLELY after the proper and adequate assessments of the plaintiff's NEEDS. In Addition, should the judges decide to be removed, the plaintiff is asking that this case be forwarded to the New assigned judges ASAP and Urgent.

Certificate of service: this is to certify that a true copy of the foregoing has been sent to the defendant attorney on May 3, 2002 via e-mail and via USPS regular mail paid on same day to the defendant's attorney Mrs. Susan Schwartz/ Mark Robert at 6688 N Central Expway # 850 Dallas Texas 75206-3913 on the day of May 3, 2002

**Attached is a letter of urgency for fast forwarding
And the plaintiff response filed on April 30, 2002 as an exhibit**

Respectfully and Kindly submitted to the Honorable Judges Sam Lindsey and MG Paul Stickney

Plaintiff Dr Jamal Elhaj-Chehade, pro-se(at this time) and IFP
5414 Cedar Springs# 806 Dallas, Texas 75235.

Plaintiff's e mail **heyjam7@yahoo.com**
Order is included.

